

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

ROBERT V. WONSCH,

Plaintiff,

-vs-

DEPUTY GARNER, et al.,

Defendants.

Case No. CIV-17-0077-F

**ORDER**

Plaintiff Robert V. Wonsch, a pretrial detainee appearing *pro se* and *in forma pauperis*, brings this action pursuant to 42 U.S.C. § 1983 alleging violations of his federal constitutional rights.

In Magistrate Judge Bernard M. Jones' Report and Recommendation of November 22, 2017 (doc. no. 55, the Report), the magistrate judge recommends that this action be dismissed, and that the dismissal count as a "prior occasion" or "strike" pursuant to 28 U.S.C. § 1915(g).


The Report advises plaintiff that any objection to the Report must be filed by December 13, 2017, and that failure to object waives the right to appellate review of the factual and legal issues addressed in the Report. Plaintiff has not objected to the Report and he has not requested an extension of time within which to do so.

Having reviewed the detailed Report, and with no objection to the Report having been filed, the court finds that it concurs in the recommended rulings as stated in the Report and that no additional discussion is necessary here. The Report (doc. no. 55) is **ACCEPTED, ADOPTED** and **AFFIRMED**. As recommended in the Report:

- Section 1983 Claims against the State of Oklahoma, OIDS, and the OSBI are dismissed without prejudice on the grounds of Eleventh Amendment Immunity;
- Plaintiff's claims against Tracy Schumacher are dismissed with prejudice on the basis of judicial immunity;
- Plaintiff's claims against Greg Mashburn and Lori Puckett are dismissed with prejudice on the basis of prosecutorial immunity;
- Plaintiff's claims against James Radford are dismissed with prejudice for failure to state a claim upon which relief may be granted;
- Plaintiff's claims against the Cleveland County Sheriff's Office, the CCDC, the Cleveland County Courthouse, and the Cleveland County Court Clerk's Office are dismissed with prejudice because they are not suable entities;
- Plaintiff's § 1983 claims contained in Claims One, Two, Three, Four, Five, Six, Eight, Nine, Ten, Twelve, Fourteen, and Fifteen are dismissed without prejudice for failure to state a claim upon which relief may be granted;
- Plaintiff's Claims Eleven and Sixteen are subject to *Younger* abstention and are dismissed without prejudice; and
- The Court declines to exercise supplemental jurisdiction over the remaining claims—Claims Seven, Thirteen, and portions of Claim Six—which assert violations of Oklahoma law.

In addition, as recommended in the Report, the dismissal counts as “prior occasion” or “strike” pursuant to 28 U.S.C. § 1915(g).

IT IS SO ORDERED this 2<sup>nd</sup> day of January, 2018.

  
 STEPHEN P. FRIOT  
 UNITED STATES DISTRICT JUDGE